

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**IN RE: DIGITEK PRODUCTS
LIABILITY LITIGATION**

MDL No. 1968

**THIS DOCUMENT RELATES TO:
ALL CASES**

**APPLICATION FOR PLAINTIFFS' STEERING COMMITTEE AND CO-LEAD
COUNSEL**

Pursuant to PTO 2, please consider this my Application for the Plaintiffs' Steering Committee and for Co-Lead Counsel. I am currently co-liaison counsel in this litigation.

Professional Experience

Fred Thompson, III, graduated *cum laude* from Yale University in 1973. He graduated with distinction from Duke University School of Law in 1979. He was elected to the Order of the Coif. He served on the Editorial Board of the Duke Law Journal.

He has been a member of the Bar of the South Carolina Supreme Court since 1979. He is a member of the Bar of the United States District Court for South Carolina; the Fourth and Second Circuits Courts of Appeals, and the United States Supreme Court. He has been admitted *pro hac vice* to numerous state and federal fora, and has never been denied admission. He has never suffered discipline or sanctions by any sitting court. He carries an AV rating from Martindale Hubble.

He has participated as a speaker and panelist at numerous legal gatherings. A recent sample of his schedule includes the 2008 ABA Seminar on "Current Issues in Medical Device Litigation;" the American Association of Justice Midyear Conventions in 2007 and 2008; its Annual Convention in June, 2007; the Mealey's Conference on Avandia, June, 2007; the Brookings Institution Symposium for the Judiciary at University of Chicago in November, 2007; Mass Torts Made Perfect, in November, 2006, April 2007, and November, 2007.

He is a Member of Motley Rice, LLC and is the Leader for the firm's Medical Practice Group, managing all cases related to medical devices, pharmaceutical drugs, medical negligence, and nursing home cases. He has maintained an active trial practice in the drug and device arena. With its main office in Mt. Pleasant, South Carolina, and offices in Providence, Rhode Island and Hartford, Connecticut, Motley Rice has a nationally based plaintiffs' practice, and the firm has vast experience litigating complex cases nationally. The lawyers of Motley Rice participated in the tobacco litigation by representing the states' attorney general and were preeminent players in achieving that national settlement. The firm has been in the forefront of litigating asbestos, 9/11 families and terrorism cases, aviation cases, lead paint and many other complex mass injury, commercial, and environmental cases. The firm has a presence in many of the ongoing drug and device cases pending in the courts presently, including The Medtronic Fidelis Lead cases, Human Tissue, Kugel Mesh, Vioxx, Bextra and Celebrex, Trasylol, Paxil, Advair and Serevent, Gadolinium, Fosomax, NuvaRing, as well as Avandia. The Firm maintains an informational web site at www.motleyrice.com

Motley Rice is experienced in performing as lead and collegial committeemen in multidistrict litigations, consolidations, and class actions. It is currently co-lead counsel and liaison counsel in the Kugel Mesh MDL, MDL 1842, pending in District of Rhode Island. The firm actively participated in the New Jersey consolidation for Vioxx, and was at the lead in seeking to challenge and achieve disclosure of privilege-claimed documents. Mr. Thompson is co-leader of the Kugel Litigation Group for the American Association of Justice. He recently served as Chair of the Expert Committee of the Medtronic ICD MDL in District of Minnesota. He is a member of the Plaintiffs' Steering Committee in the Trasylol MDL, the Medtronic Fidelis MDL (MDL Docket Nos. 1928 and 1905, respectively), and the Avandia MDL (Docket No.1871).

Availability

Mr. Thompson has the time, financial, and staff resources to work on behalf of all plaintiffs in moving energetically and efficiently through threshold issues, into discovery, and toward resolution, trial, or remand of this MDL. He has a strong personal interest in this project and believes that a position as co-lead counsel is vital to insure that key threshold legal issues are fully addressed and briefed, that proper discovery is obtained, and that scientific information is properly analyzed to ascertain the safety and efficacy issues presented by the pharmaceutical case, both on behalf of the clients to whom he already holds high duties of zeal and competence, but also to all clients whose claims are to be placed into the MDL. He has been retained by 178 Digitek clients, and has already retained experts in pharmacology, cardiology and process engineering in order to prosecute these cases. Mr. Thompson believes that collegiality and the ability to work efficiently are required to zealously represent the clients. In this regard, he has already begun work to foster cooperative efforts to accomplish the heavy press of duties that will fall upon the Steering Committee. As such, and for all of the reasons more fully set forth above, he is well qualified to serve on the Steering Committee and as co-lead counsel in this litigation.

He prays that the Court will grant his application to the Plaintiffs' Steering Committee and as co-lead counsel, and he further prays that the Court weigh the collegiality and compatibility of the Members of the Committee as a factor as he makes his appointments for these positions.

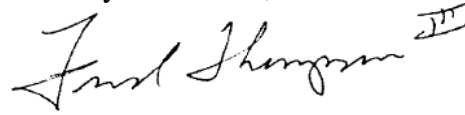
Respectfully submitted,

A handwritten signature in black ink, reading "Fred Thompson III". The signature is written in a cursive, flowing style. The "III" is written as a superscript.

FRED THOMPSON, III (#4081)
MOTLEY RICE, LLC
P.O. Box 1792
Mt. Pleasant, SC 29464
Telephone (843) 216-9000
Facsimile (843) 216-9440

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon counsel for all parties via electronic mail, this 20th day of October, 2008.

A handwritten signature in black ink that reads "Fred Thompson III". The signature is written in a cursive style with a large "F" and "T".

FRED THOMPSON, III